

REMARKS

Reconsideration is respectfully requested.

Applicants acknowledge that the request for a corrected filing date is being addressed and further information will follow.

The Examiner's remarks and cited references have been carefully considered and responsive thereto applicants have amended claims 1, 14 and 15, and have canceled claim 2.

Claims 1, 2, 5, 8, 9-12 and 14-17 were rejected by the Examiner under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, with respect to Claim 1 the Examiner states that the second recitation of a second predetermined deceleration rate is not supported by the specification. Applicants respectfully submit that applicants' recitation of a second predetermined deceleration rate is fully supported by the specification. Specifically, with reference to Fig. 3b (as well as the accompanying explanation of said figure found in paragraph 19 of applicants' specification), the second predetermined deceleration rate is denoted by line 306; whereas, the other option pertaining to the "constant velocity of the work machine" is denoted by lines 307 or 308. Regarding Claim 8, the Examiner states that there is no support in the specification for a second pedal that both controls deceleration and rearward movement. Again, applicants respectfully submit that on page 9, in paragraph 26, applicants teach that the pedals can be used simultaneously for both directional control and acceleration/deceleration.

Regarding claim 10, the Examiner states that there exists insufficient support in the specification for the manner in which pedal displacement can control the jerk of the machine. Applicants again respectfully disagree with the Examiner's rejection of claim 10 for the reasons presented. Page 4, line 26 through page 5, line 5 of applicants specification clearly states that the control of jerk is accomplished through the disclosed mapping structures that are programmed into the ECM. Since "jerk" is the change in acceleration/deceleration over time, the mapping structures can be created to ensure that this change occurs in a controlled manner thereby providing for a smoother ride. Finally, claims

14 and 15 were amended by changing the reference to the “first” pedal to now read “second” pedal. Applicants respectfully submit the applicants’ claims comply with the written description requirement, and applicants respectfully request that this rejection be withdrawn.

Claims 1, 2, 5, 8, 9-12 and 14-17 were rejected by the Examiner under 35 U.S.C. §112, first paragraph, as failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response thereto, applicants have amended the claims accordingly. Specifically, applicants have amended claim 1 (with claims 2, 5, 8, 9-12 and 14-17 dependent thereon) to make more clear that each pedal has a separate sensor connected therewith. In addition, applicants have canceled claim 2 and have amended claim 1 by replacing “velocity aspect” with “at least one of said acceleration, said deceleration, and said velocity”. Applicants respectfully submit that applicants’ claims now particularly point out and distinctly claim the subject matter which applicants regard as the invention and that this rejection now be withdrawn.

Claims 1, 2, 5, 8-12, and 14-17 were rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Meyerle (US 5,890,982). Responsive thereto, applicants respectfully submit that Meyerle fails to teach or suggest applicants’ invention as claimed. Specifically, Meyerle fails to teach either of the following: “wherein displacement of the first pedal produces a pre-determined acceleration rate followed by at least one user selected (i) pre-determined deceleration rate or (ii) constant velocity of the work machine”, or “a second pedal displaceable from a neutral position, wherein displacement of said second pedal produces a pre-determined deceleration rate followed by at least one user selected (i) pre-determined deceleration rate or (ii) constant velocity of the work machine”. Furthermore, Meyerle fails to teach an arrangement in which both of its pedals are coupled to the electronic controller via sensors, as now claimed by the applicants. With reference to col. 1, lines 60-67 through col. 2, lines 1-6, Meyerle teaches that its acceleration pedal is the pedal that is in communication with the programming and not its brake pedal. Applicants respectfully submit that the Meyerle reference does not and cannot teach or suggest applicants’ invention as now claimed and that this rejection now be withdrawn.

It is respectfully urged that the subject application is in condition for allowance and allowance of the application at issue is respectfully requested.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "James R. Smith", is written over a horizontal line.

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